



Regional Airline Association

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71203

January 28, 2000

U.S. Department of Transportation
Docket No. FAA- 1999-6622-11
400 Seventh St. SW., Room Plaza 401
Washington, DC 20590-0001

PROPOSED RULE: General Rulemaking Procedures - Part 11

Gentlemen/Madam:

The Regional Airline Association (RAA) submits the following comments to the subject proposed rule on behalf of its membership (Attachment A). RAA encouraged its members to submit comments directly to the docket. RAA comments should be considered as supplemental to any comments individually submitted to the docket by RAA members.

RAA supports the FAA initiative to make its rules more understandable. The proposed rule changes are generally on-target with your initiative. However absent a statement that the proposal does not differ substantively from the existing rules, we cannot support the proposal in its entirety.

1. Proposed FAR 11.81 describes what information should be provided for a petition for exemption but nowhere does it describe what information the FAA uses to decide whether an exemption should be granted. Admittedly, the existing rules are not all that clear as well, in describing the FAA's authority for granting or denying a petition for exemption. Existing FAR 11.51 states "*Whenever it is determined that a petition for rulemaking filed under Sec. 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice of denial for the Administrator's signature.*" The references to "*determined*" and "*form and legality*" provide some assurances that the process is not arbitrary, that the determination is based upon the information submitted. However the proposed rule does not afford similar assurances.

RAA therefore requests that the following statement be added to proposed FAR 11.81:
"The FAA will grant or deny the petition based upon the adequacy of the information submitted by the petitioner"

2. RAA has been informally advised by the FAA that "blanket" petitions such as those submitted by trade associations for its members, would no longer be granted since they are tantamount to rulemaking and that different rules apply to adopting a rule than granting an exemption. Only existing "blanket" exemptions are being honored for renewal. We consider that the simplification of rulemaking should not be limited to using plain language. The process itself also needs to be simplified. Blanket petitions are very useful since they eliminate the need for

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each air carrier to request the same exemption and they reduce the need for the FAA to process similar exemptions. We view blanket exemptions as distinct from rules since in granting relief for an individual air carrier, the FAA field offices must make a unique determination that the carrier can satisfy the conditions of the exemption before it is approved as an Operations Specification change.

RAA requests that the FAA endorse the concept of blanket exemptions and if different rules should apply to granting a “blanket” exemption, we request that you provide them.

3. Lastly, the proposed rules on requesting public meetings (FAR's 11.51 and 11.53) seem overly restrictive. For example, a public meeting may not be appropriate for security rules. Non-public discussions relating to sensitive security information would certainly be more beneficial to the public than having a public meeting where open discussions are limited by the nature of the material discussed. It is our understanding that the Administrative Procedures Act does not limit *ex-parte* discussions but that the government agency conducting such discussions should place in the public docket, general information that the meeting took place and what was discussed without detailing the sensitive information.

RAA requests that the rules of public meetings be amended to state that while public meetings are preferred, non-public meetings may also be conducted provided general information that the meeting took place is placed in the public docket.

Your consideration of the comments and requests of RAA and its member's, is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lotterer", with a stylized, cursive script.

David Lotterer
Vice President, Technical Services

Attachment A

AttachmentA

Company

Aeromar
Air Midwest
AirNet Systems
Air Nova

Air Ontario
Air Serv
Air Wisconsin
Allegheny
American Eagle
Atlantic Coast Airlines
Atlantic Southeast
Austin Express
Big Sky Airlines
Business Express
Cape Air
CCAIR
Champlain Air
Chautauqua Airlines
Chicago Express
Colgan Air
Comair
CommutAir

City, State

Mexico City, DF*
Wichita, KS
Columbus, OH
Enfield, Nova Scotia, Canada*
London, Ontario*
Redlands, CA
Appleton, W is
Middletown, PA
Dallas, TX
Dulles, VA
Atlanta, GA
Austin, TX
Billings, MT
Dover, NH
Hyannis, MA
Charlotte, NC
Plattsburgh, NY
Indianapolis, IN
Chicago, IL
Manassas, VA
Cincinnati, OH
Plattsburgh, NY

Company

Midway Airlines
Ozark Airlines
Pan Pacific
Piedmont Airlines
PSA Airlines
Scenic Airlines
Seaborne Aviation
Servicios Aereos Litoral
Sedona (Aaron)
Shuttle America
Skymark
Skyway Airlines
Skywest
STI, Inc.
Sunworld Int'l Airlines
Tie Aviation
Triton Air
Trans States
Universal Airways
Walker's Int'l
Wiggins Airways
Wings Airways

City, State

RDU Int'l Airport, NC
Columbia, MO
Mount Vernon, WA
Salisbury, MD
Vandalia, OH
N. Las Vegas, NV
Christiansted, USVI
San Antonio, TX *
Seattle, WA
Windsor Locks, CT
Spokane, WA
Oak Creek WI
St. George, UT
Melbourne, FL
Ft. Mitchell, KY
Jamaica, NY
Mesa, AZ
St. Louis, MO
Houston, TX
Ft. Lauderdale, FL
Norwood, MA
Blue Bell, PA

Continental Express
Corporate Air
Corporate Express
Eagle Aviation
Empire Airlines
ERA Aviation
Executive Airlines Inc.
Executive Airlines
Express Airlines I
Falcon Express
Federal Express
First Air
Grand Canyon
Great Lakes Aviation
Gulfstream Int'l
Horizon Air
Island Air
Kitty Hawk Air Cargo
Mesa Air Group
Mesaba

Houston, TX
Billings, Montana
Nashville, TN
Las Vegas, NV
Coeur d'Alene, ID
Anchorage, AS
San Juan, P.R.
Farmingdale, NY
Memphis, TN
Tulsa, OK
Memphis, TN
Dallas, TX
Grand Canyon, AZ
Bloomington, MN
Miami Springs, FL
Seattle, WA
Honolulu, HI
DFW Airport, TX
Phoenix, AZ
Minneapolis, MN

* foreign based air carrier